

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

PENNSYLVANIA STATE
CONFERENCE OF THE NAACP, *et al.*,

Plaintiffs,

v.

AL SCHMIDT, in his official capacity as
Secretary of the Commonwealth, *et al.*,

Defendants,

and

REPUBLICAN NATIONAL
COMMITTEE, *et al.*,

Intervenor-Defendants.

Case No. 1:22-cv-00339-SPB

STATUS REPORT

On October 22, 2024, this Court stayed the proceedings in this case during the pendency of a petition for certiorari from the Court of Appeals for the Third Circuit regarding that Court's ruling that the federal Materiality Provision, 52 U.S.C. § 10101(a)(2)(B), did not apply to the envelope form at issue in this case, *see* Pet. for Cert., No. 24-363 (U.S.). ECF No. 467. The Court instructed Plaintiffs to provide a status report once the petition for certiorari had been resolved. *Id.*

On January 21, 2025, the United States Supreme Court denied the petition for certiorari. *See* United States Supreme Court, January 21, 2025 Order List, https://www.supremecourt.gov/orders/courtorders/012125zor_f204.pdf. Accordingly,

the stay should be lifted and this Court should proceed to rule on the pending motions for summary judgment on the federal constitutional claims in this case.¹

CONCLUSION

The stay should be lifted and the litigation should proceed.

Dated: January 23, 2025

Respectfully submitted,

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Pennsylvania, Barry M. Seastead,
Marlene G. Gutierrez, Aynne Margaret
Pleban Polinski, Joel Bencan, and
Laurence M. Smith*

¹ On January 17, 2025, the Supreme Court of Pennsylvania granted in part a petition for allocatur filed by intervenors in *Baxter v. Philadelphia Board of Elections*, docketed 1 EAP 2025 - 2 EAP 2025, with briefing to take place over the next two months. The grant of allocatur includes the question whether the enforcement of the envelope-date rule to disenfranchise mail ballot voters violates the Free and Equal Elections Clause of the Pennsylvania Constitution, Pa. Const. art. I, § 5.

CERTIFICATE OF SERVICE

I hereby certify that, on the date set forth below, I caused a true and correct copy of the foregoing Status Report to be served via the Court's electronic filing system upon all counsel of record.

Dated: January 23, 2025
/s/ Ari Savitzky